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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,082	08/03/2001	Stephen Gold	30990147-2	8726

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09/08/2005

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

ISMAIL, SHAWKI SAIF

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/922,082

Applicant(s)

GOLD, STEPHEN

Examiner

Shawki S. Ismail

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-16 and 24-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-16 and 24-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

RESPONSE TO AMENDMENT

1. This action is responsive to the amendment received on June 20, 2005. Claims 1-13 and 17-23 have been cancelled. Claims 14, 29, 30, and 31 have been amended. Claim 32 has been newly added. Claims 14-16, and 24-32 are pending.

2. Applicant's arguments, filed June 20, 2005, with respect to the rejection(s) of claim(s) 14-16, and 24-32 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Claim Rejections - 35 USC §102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 14, 15, 24, 26, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by **Sayle U.S. Patent No. 6,356,863**.

5. As to claim 14, Sayle teaches a device for sending data to and receiving data from a remote data storage location accessible over a communications link, said device comprising:

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a data processor (see Fig. 1, col. 7, lines 58-67; virtual file server processes file system request from the network);

a first communications port for communicating with a plurality of computers in a computer network (col. 9, lines 37-55, virtual file server receives file system requests from client device);

a second communications port for communicating with a remote data storage facility (col. 9, lines 37-55, virtual file server access remote storage and retrieves desired file for client device);

a non-volatile data storage device for storing locally, data to be communicated via said second communications port (see Fig. 1, col.8, lines 18-31, a database is maintained on the virtual file server);

wherein said device emulates a file system corresponding to a file system of a network of computer entities (col. 7, line 57 – col. 8, line 3, virtual file server emulates a file system providing “virtual” files and directories to the machines on the local network);

converts data between a file system dependent format and a file system independent format (col. 9, line 55 – col. 10, line 11).

6. As to claim 15, Sayle teaches the device as claimed in claim 14, wherein said emulating a file system operates to create emulation data which emulates a file system type of a network of computer entities, in a format suitable for incorporating with a user data file for transmission to a remote data storage device (col. 9, line 55 – col. 10, line 10).

7. As to claim 24 Cabrera teaches the device as claimed in claim 15, wherein said emulation data comprises data describing security attributes of said user data (col. 11, lines 8-20).

8. As to claim 26, Cabrera teaches the device as claimed in claim 15, wherein transmitting occurs at predetermined intervals, and writing said user data comprises caching said user data in said local data storage device between file transmission events (col. 8, lines 18-31).

9. As to claim 29, Sayle teaches the gateway appliance as claimed in claim 15, wherein said transmission file is compressed and encrypted prior to transmitting said transmission file over said communication link (col. 9, line 55 – col. 10, line 10).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 16, 25, 27, 28, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sayle** U.S. Patent No. **6,356,863** and in view of **Miller et al.**, (Miller) U.S. Patent No. **6,535,911**.

12. As to claim 16, 25, 27, 28, 30 and 31 Sayle teaches the claimed invention as described above. Sayle does not explicitly teach wherein the device is configured to

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make a scheduled transmission burst of changes to files since at least transmission burst, wherein only blocks inside files which have changed since the last transmission are transmitted in said scheduled transmission.

Miller teaches a method and apparatus for viewing information set originated from a distribution media and updated using a remote server. Miller teaches receiving updates of one or more files supplementing the information contained on the original distribution media (col. 2, lines 4-23).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Miller into the invention of Sayle in order to provide updates of so that information is not outdated and clients are able to view up-to-date information (col. 1, lines 16-25).

Response to Arguments

13. Applicant's arguments, filed June 24, 2005, with respect to the rejection(s) of claim(s) 14-16, and 24-32 under 35 USC 103 have been fully considered. The examiner has attempted to respond to the remarks in the body of the Office Action.

Contact Information

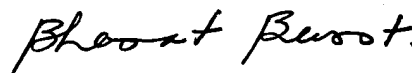
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail
Patent Examiner
September 2, 2005



BHARAT BAROT
PRIMARY EXAMINER